

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION**

JOHN GRANDERSON,

Petitioner,  
v.

SHANE JACKSON,

Respondent.

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Case No. 1:17-CV-11355  
Honorable Thomas L. Ludington  
United States District Judge

**ORDER DENYING PETITIONER'S MOTION FOR RECONSIDERATION,  
DECLINING TO ISSUE A CERTIFICATE OF APPEALABILITY AND DENYING IN  
FORMA PAUPERIS ON APPEAL**

On May 4, 2020, the Court denied the petition for a writ of habeas corpus, declined to issue a certificate of appealability, and denied leave to appeal *in forma pauperis*. Now before this Court is petitioner's motion for reconsideration.

U.S. Dist. Ct. Rules, E.D. Mich. 7.1 (h) allows a party to file a motion for reconsideration. However, a motion for reconsideration which presents the same issues already ruled upon by the court, either expressly or by reasonable implication, will not be granted. *Id.* The movant shall not only demonstrate a palpable defect by which the court and the parties have been misled, but also show that a different disposition of the case must result from a correction thereof. U.S. Dist. Ct. Rules, E.D. Mich. 7.1(h)(3). "A 'palpable defect' is a defect that is obvious, clear, unmistakable, manifest, or plain." *See Scozzari v. City of Clare*, 723 F. Supp. 2d 974, 981 (E.D. Mich. 2010).

In his motion for reconsideration, Petitioner is merely rehashing the same arguments that were considered and rejected by this Court when it denied him habeas relief. Petitioner's motion for reconsideration will be denied, because he is merely presenting issues which were already ruled

upon by this Court, either expressly or by reasonable implication. *See Hence v. Smith*, 49 F. Supp. 2d 549, 553 (E.D. Mich. 1999).

A certificate of appealability is required to appeal the denial of a motion for reconsideration in a habeas case. *See e.g. Amr v. U.S.*, 280 F. App'x 480, 486 (6th Cir. 2008). A certificate of appealability will not be issued, because jurists of reason would not find this Court's resolution of petitioner's motion for reconsideration to be debatable.

**IT IS ORDERED** that the motion for reconsideration (ECF No. 15) is **DENIED**.

It is further **ORDERED** that the Court **DECLINES TO ISSUE** a certificate of appealability.

It is further **ORDERED** that permission to proceed *in forma pauperis* on appeal is **DENIED**, as any appeal would be frivolous and could not be taken in good faith.

Dated: June 29, 2020

s/Thomas L. Ludington  
THOMAS L. LUDINGTON  
United States District Judge

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney of record herein by electronic means and upon John Granderson, 759555, at Macomb Correctional Facility, 34625 26 Mile Road, New Haven, Mi 48048 by first class U.S. mail on June 29, 2020.

s/Suzanne Gammon  
SUZANNE GAMMON